

COMMISSION DIRECTIVE

ADMINISTRATIVE MATTER	<input type="checkbox"/>	DATE	<u>August 05, 2008</u>
MOTOR CARRIER MATTER	<input type="checkbox"/>	DOCKET NO.	<u>2007-401-E</u>
UTILITIES MATTER	<input checked="" type="checkbox"/>	ORDER NO.	_____

SUBJECT:

DOCKET NO. 2007-401-E - Application of Beatrice Wallenstein (a/k/a Beatrice Weaver) for Change in Electric Service Provider – A Hearing was Held on this Matter on August 5, 2008. This Matter is Ready for Final Disposition.

COMMISSION ACTION:

The Commission convened the hearing in Docket No. 2007-401-E as scheduled on August 5, 2008. The Petitioner, who failed to appear at the scheduled hearing, instead filed a written motion to postpone or continue the hearing in this matter. Marlboro Electric Cooperative ("MEC") opposed Petitioner's request for postponement and moved to dismiss the petition. MEC points out that the Notice of Hearing was published on April 15, 2008, that the parties have had ample notice of the hearing date and could plan accordingly, and that the Petitioner has presented no good cause supporting postponement.

MEC's Motion to Dismiss is based upon Petitioner's failure to pre-file testimony as required by PSC Regulation No. 103-845(C), and upon her failure to appear at the hearing, which subjects the case to dismissal pursuant to PSC Regulation No. 103-844. In its Directive dated July 30, 2008, the Commission granted the Petitioner the opportunity to cure her failure to pre-file testimony by adopting specific portions of the testimony previously proffered by Mr. Gary Weaver. The Petitioner failed to avail herself of this opportunity. Because Petitioner has failed to follow the Commission's regulation requiring her to pre-file testimony, failed to attend the hearing, and thereby failed to carry her burden of proof in seeking a change in electric service providers, as set out in S.C. Code Ann. §58-27-660, MEC has moved to dismiss the case. Progress Energy Carolinas, Inc. has joined in MEC's motion.

For the reasons outlined above, I move that we grant MEC's motion to dismiss, in which Progress Energy Carolinas, Inc. joined, and that the dismissal be entered with prejudice.

PRESIDING: FlemingSESSION: HearingTIME: 2:30 p.m.

	MOTION	YES	NO	OTHER	
CLYBURN	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
HAMILTON	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
MITCHELL	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>	Sick Leave

WHITFIELD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<u>Absent</u>
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Attending Camp NARUC in Michigan

RECORDED BY: